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AUG 23 2012

CLERK OF
WILLIAM H. PAULEY
U.S.D.J.


August 23, 2012

Application granted. This Court
will hold a pre-motion conference
October 3, 2012 at 5:00 p.m.

BY HAND DELIVERY

Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2210
New York, NY 10007

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.
8/27/12

Re: *Pennsylvania Public School Employees' Retirement System*
v. Bank of America Corporation, et al., 11 Civ. 733 (WHP)

Dear Judge Pauley:

We represent Defendants Bank of America Corporation ("BAC"), Kenneth D. Lewis, Joe L. Price, II, Brian T. Moynihan, Charles H. Noski and Neil Cotty (the "Individual Defendants" and together with BAC, "Defendants") in the above-referenced action. We respectfully submit, pursuant to Rule IV(A) of Your Honor's Individual Practices, a courtesy copy of BAC's Reply Memorandum of Law in Further Support of its Motion For Reconsideration or, in the Alternative, to Certify Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) (the "Reply Memorandum").

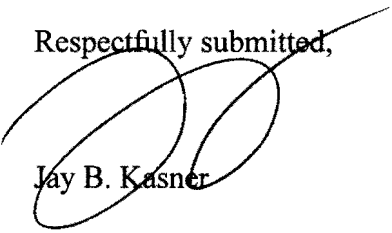
We also write pursuant to Rule III(A) of Your Honor's Individual Practices in connection with Defendants' anticipated motions to dismiss the Amended Consolidated Class Action Complaint ("Amended Complaint") filed by Plaintiff on August 13, 2012. The Amended Complaint fails to cure the defects identified by the Court in its July 11, 2012 Order or adequately plead a claim against any Defendant under Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b) as required by Federal Rule of Civil Procedure 9(b) and the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737 (codified in part at 15 U.S.C. §§ 77z-1, 78u-4).

Hon. William H. Pauley
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The Amended Complaint also does not adequately address the issues raised by BAC's motion for reconsideration. As discussed in the Reply Memorandum, BAC respectfully submits that efficiencies can be gained by considering the motion for reconsideration in connection with Defendants' motions to dismiss. See Mintz v. Baron, No. 05 Civ. 4904(LTS)(HBP), 2009 WL 735140, at *1 (S.D.N.Y. Mar. 20, 2009).

If the Court desires a pre-motion conference on the anticipated motions to dismiss, we remain available. If a pre-motion conference is not required, the parties have agreed upon a proposed briefing schedule.

Respectfully submitted,



Jay B. Kasner

cc: All counsel (via email)